

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, December 4, 2013

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
James Jones
Dennis Peters
Jeremy Lapin
Joseph Demma

City Staff:

Brian Berndt, Community/Economic Dev. Director
Larry Gardner, City Planner
Mike Johnson, Associate Planner
Shane Topham, City Attorney

Excused:

Lindsay Holt-Tofte
Gordon Walker
Paxton Guymon
Janet Janke

Others Present:

Youth City Council Representative Morgan Andersen
Chris McCandless
Woody Noxon
Kris Mateus
Walter Widmer
Elizabeth Miller

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Perry Bolyard called the meeting to order at 6:00 p.m.

2.0 CITIZEN COMMENTS

2.1 There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 **(Project #CU 13-012) Public Comment on a request from Elizabeth Miller for conditional use approval to operate a home preschool located 2408 E. Campus Drive**

Associate Planner Mike Johnson presented the staff report and stated that the proposal is for a home-based preschool for children ages 2 to 5 years. Staff recommended approval with the conditions listed in the staff report.

Chair Bolyard opened the public hearing.

Elizabeth Mill, applicant, detailed the specifics of pick up and drop off procedures of the preschool. She also stated that she is in the process of obtaining her state licensing.

There were no further public comments. The public hearing was closed.

4.0 PUBLIC COMMENT

4.1 (Project #SD 13-009) Public Comment on a request from Canyon Centre Capital, LLC for subdivision approval for five lots located at 7350 Wasatch Blvd

Planner Larry Garner presented the proposed request from Canyon Centre Capital, LLC as detailed in the staff report. He reported that the applicants are seeking approval for a five-lot subdivision located at 7350 Wasatch Boulevard. Staff recommended approval with the conditions listed in the staff report. Mr. Garner clarified that the access road will be a recorded easement.

Chair Bolyard opened the public hearing.

Chris McCandless, of Canyon Centre Capital LLC, stated that a previous commitment was made to the community that access to their property would not be allowed from Racquet Club Drive. He asked that it be implemented as a condition of approval.

Woody Noxon shared concern with the elevation of Lot 5 on the concept plan. He asked the Commission to implement conditions to ensure that it does not block the view of surrounding neighbors.

Sylvia Bennion stated that her property is adjacent to the proposed project. She is not opposed to development, but expressed concern regarding the size of the structure.

There were no further comments. The public hearing was closed.

5.0 ACTION ITEMS

5.1 (Project #ZMA 13-005) Action on a request from Walter and Patricia Widmer to change the zoning and amend the zoning map from RR-1-43 Rural Residential zoning to NC Neighborhood Commercial zoning on property located at 7839 South Highland Drive

Planner Larry Gardner described the proposed zone change request from Walter and Patricia Widmer.

Commissioner Lapin moved to recommend approval to the City Council of Project #ZMA 13-005 from Walter and Patricia Widmer to change the zoning and amend the zoning map from RR-1-43 Rural Residential zoning to NC Neighborhood Commercial. The motion was seconded by Commissioner Jones. Vote on motion: Dennis Peters-Aye, James Jones-Aye, Joseph Demma-Aye, Jeremy Lapin-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

5.2 (Project #CU 13-012) Action on a request from Elizabeth Miller for conditional use approval to operate a home preschool located 2408 E. Campus Drive

Motion: Commissioner Jones moved to approve Project #CU-13-012 from Elizabeth Miller for conditional use permit to operate a home preschool located at 2408 East Campus Drive subject to the following recommendations:

- 1. There shall be a maximum of 12 children on the premises at any time, including the caregiver's own children under the age of six and not yet in full-day school. (19.76.040E.1.)*
- 2. There shall be no more than one employee present at any one time who does not reside in the dwelling. (19.76.040 E.2.)*
- 3. That the home preschool caregiver shall comply with all applicable licensing requirements under title 5 ("Business Licensing") of the Cottonwood Heights Municipal code. (19.76.040 E.3.)*
- 4. The use shall comply with all applicable noise regulations (19.76.040 E.4).*
- 5. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m. (19.76.040 E.5.)*
- 6. The lot shall contain one available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling (19.76.040 E.6.)*
- 7. No signs shall be allowed on the dwelling or lot except a nameplate sign. (19.76.040 E.7).*
- 8. The use shall comply with all local, state and federal laws and regulations (19.76.040 E.8) including but not limited to all applicable requirements of the Utah Department of Health's Bureau of Child Development.*
- 9. The applicant and all employees shall provide a copy of all licenses and permits required by the State of Utah.*
- 10. The applicant shall adhere to the hours and days of operation as described in the written narrative submitted as part of the application.*

The motion was seconded by Commissioner Peters. Vote on motion: Dennis Peters-Aye, James Jones-Aye, Joseph Demma-Aye, Jeremy Lapin-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

5.3 (Project #SD 13-009) Action on a request from Canyon Centre Capital LLC for subdivision approval for five lots located at 7350 Wasatch Blvd

Mr. Garner confirmed that the project must be built to natural grade and anyone who ultimately owns Lot 5 will be subject to the same requirements set forth in the City Ordinance.

Motion: Commissioner Peters moved to approve Project #SD 13-009 from Canyon Centre Capital LLC for subdivision approval for five lots located at 7350 Wasatch Blvd subject to the following:

Recommendations:

- 1. The plat meets all requirements of the City;*
- 2. The lot areas meet the requirements of the MU Mixed Use zone; and*
- 3. The road meets the requirements of the city to be dedicated.*

Conditions:

- 1. The owner of the land provides a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.*
- 2. There be no access to Racquet Club Drive from Lot 4.*

The motion was seconded by Commissioner Jones. Vote on motion: Dennis Peters-Aye, James Jones-Aye, Joseph Demma-Aye, Jeremy Lapin-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

5.4 Approval of November 6, 2013, Minutes

Approval of the minutes of November 6, 2013 was continued.

5.0 ADJOURNMENT

Motion: Commissioner Peters moved to adjourn. The motion was seconded by Commissioner Lapin and passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 6:40 pm.

Minutes approved: 02/19/2014